
HALDIMAND COUNTY

Report PDD-51-2022 Information Report – Draft Plan of Subdivision for Trailside Townsend 1A Townhouses



For Consideration by Council in Committee on December 6, 2022

OBJECTIVE:

To inform Council of a Draft Plan of Subdivision application for a development consisting of 30 group townhouses on full municipal services, accessed off of a condominium road in Townsend; and to hold the statutory public meeting required under the *Planning Act*. The proposed development has previously been approved for construction through a Site Plan Application (SP-HA-2-2007) and the issuance of the required building permits. The proposed Draft Plan of Subdivision serves only to establish the proposed common-element condominium tenure.

RECOMMENDATIONS:

1. THAT Report PDD-51-2022 Information Report – Draft Plan of Subdivision for Trailside Townsend 1A Townhouses be received;
2. AND THAT the application for draft plan of subdivision is deemed to have sufficient regard for, be consistent with and conform to the *Planning Act*, Provincial Policy Statement (2020), A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020), and Haldimand County Official Plan;
3. AND THAT in accordance with By-law 2082/19, the General Manager of Community and Development Services issue draft plan approval once all conditions of By-law 2082/19 have been met, and advise Council when draft plan approval has been issued for application PL28T-2022-160.

Prepared by: Spencer Skidmore, MCIP, RPP, M.PI, Senior Planner

Reviewed by: Shannon VanDalen, MCIP, RPP, CMMI, Manager of Planning & Development]

Respectfully submitted: Mike Evers, MCIP, RPP, BES, General Manager of Community & Development Services

Approved: Craig Manley, MCIP, RPP, Chief Administrative Officer

EXECUTIVE SUMMARY:

Planning staff have reviewed the Draft Plan of Subdivision application to permit the creation of 30 lots for residential purposes (townhouses) and one block that will contain the common-elements of a future common-element condominium. The development includes thirty (30) group townhouse dwellings that are fully municipally serviced using water and wastewater and accessed via a private condominium roadway accessed off of Nanticoke Creek Parkway. Each townhouse unit contains two (2) occupant parking spaces (driveway and garage) and a total of 19 visitor parking spaces are provided. See (Attachment 1 and Attachment 2).

The subject report advises Council of the details relating to the subject applications. The report is intended to assist Council in understanding the potential impacts of the proposal and to provide an opportunity for public involvement and engagement in the planning process. The application has sufficient regard for, is consistent with, and conforms to the applicable Provincial and County policy

documents. If no significant comments are raised at the public meeting, the Draft Plan of Subdivision will be forwarded to the General Manager of Community and Development Services for approval with the appropriate conditions.

Please note that the proposed Draft Plan of Subdivision serves only to establish the proposed common-element condominium tenure and that the majority of the proposal is already constructed. The proposal has been reviewed from a technical perspective through various other *Planning Act* applications that are discussed in detail in the background section of this report.

BACKGROUND:

Location and Proposed Development

The subject lands are located on the southwest corner of the urban area of Townsend and are accessed off of Nanticoke Creek Parkway. The lands are irregular in shape, have 35 metres (115 feet) of frontage on Nanticoke Creek Parkway and are 1.73 hectares (4.27 acres) in size. Nanticoke Creek abuts the lands to the west and south, and the lands are adjacent to existing single detached residential dwellings to the northeast. East of the subject lands is a building containing commercial and institutional uses (Haldimand-Norfolk Seniors Partnership).

The proposed Draft Plan of Subdivision application is to permit the creation of 30 lots for residential purposes (townhouses) and one block that will contain the common-elements of the future common-element condominium. The development includes thirty (30) group townhouse dwellings that are fully municipally serviced using water and wastewater and accessed via a private condominium roadway accessed off of Nanticoke Creek Parkway. Each townhouse unit contains two (2) occupant parking spaces (driveway and garage) and a total of 19 visitor parking spaces are provided. Construction of the development is almost complete and the subject Draft Plan of Subdivision serves to establish tenure.

Application History

The proposed development has received various approvals dating back to 2006 when the lands were subject to an Official Plan Amendment (OP-HA-3/2007) and Zoning By-law Amendment (Z-HA-8/2007) to establish the proposed residential use on the subject lands. These applications were approved by Haldimand County Council and implemented through By-laws 594-HC/08 (Zoning By-law Amendment) and 596/597 – HC08 (Official Plan Amendment). See (Attachment 4).

A Site Plan Application (SP-HA-2-2007) was submitted in 2006, with a number of resubmissions to deal with technical matters related to the development of the proposed townhouses including water and wastewater servicing; stormwater management; geotechnical; lot grading and drainage; emergency access; landscaping; lighting; and hazard. The Site Plan application was dormant for a number of years until the lands were recently sold to the proponent of the subject Subdivision who continued to finalize development approvals. The applicant entered into a Site Plan Agreement with the County and posted the necessary securities for works within the County's right-of-way and for the proposed landscaping on-site. The Site Plan Agreement has been registered on title. The Site Plan application received formal approval on September 10, 2021. Following Site Plan Approval (Attachment 3), the applicant began applying for and receiving building permits to facilitate the construction of the proposed townhouse units.

As the subject lands are intended to be a condominium tenure, the applicant applied for a Condominium Exemption in February of 2022, which was approved in March. Accordingly, the condominium has received draft approval from the County; however, at the point of drafting of this report, no condominium corporation has been registered on the lands.

The subject Draft Plan of Subdivision, which is the final application in the process, was submitted in late October of 2022 and deemed complete on November 15, 2022. The subject Draft Plan of Subdivision is only required to facilitate the proposed common-element condominium tenure. This type of condominium requires that individual parcels of tied land (POTLs) – the lots with the dwelling units - be created and that those POTLs be tied to the common-element condominium, which comprises the private road, visitor parking, and open space areas. The proposed Draft Plan of Subdivision serves to create those POTLs, or, individual ownership lots. As all technical matters have been previously addressed through the previous *Planning Act* applications, there is no technical engineering-related review associated with this application.

ANALYSIS:

The proposal involves a single planning application:

1. A Draft Plan of Subdivision application which is technical in nature and only serves to divide the subject lands into the appropriate parcels to facilitate a common-element condominium tenure.

The following planning considerations apply to this proposal:

Planning Act

The *Planning Act* (Act) is provincial legislation that sets out the framework for land use planning in Ontario. Under Section 51 (24) of the *Planning Act*, the Act sets out a list of criteria that an approval authority must have regard to when assessing the merits of a Draft Plan of Subdivision application. Planning staff have reviewed these criteria against the proposed Subdivision and staff's comments with respect to each item are the following:

Criteria	Comments
(a) The effect of development of the proposed Subdivision on matters of provincial interest referred to in section 2.	The proposed Subdivision has sufficient regard for areas of Provincial interests.
(b) Whether the Subdivision is premature or in the public interest.	The subject lands are already developed and the proposed subdivision serves only to facilitate the desired tenure.
(c) Whether the plan conforms to the official plan and adjacent plans of Subdivision, if any.	The proposed Subdivision conforms to the Official Plan, with an analysis provided in the Haldimand County Official Plan section below. The proposed Subdivision is self-contained on a private condominium road. The proposed Subdivision conforms to this criterion.
(d) The suitability of the land for the purposes for which it is to be subdivided.	The lands are already constructed and being developed to be used for the proposed residential townhouse use. The proposed Subdivision conforms to this criterion.
(d.1) If any affordable housing units are being proposed, the suitability of the proposed units for affordable housing.	The proposed Subdivision is not planned to include affordable housing units.
(e) The number, width, location and proposed grades and elevations of highways/streets, and the adequacy of	The proposed Subdivision does not include any public highways to be conveyed to the County for ownership. The future common-element

Criteria	Comments
<p>them, and the highways/streets linking the highways/streets in the proposed Subdivision with the established highway system in the vicinity and the adequacy of them.</p>	<p>condominium will maintain the proposed private road which will provide direct access to Nanticoke Creek Parkway. Upgrades to the connection of Nanticoke Creek Parkway and intersection of Nanticoke Creek Parkway and Edenridge Drive were required through the previous Site Plan Approval. The proposed Subdivision conforms to this criterion.</p>
<p>(f) The dimensions and shapes of the proposed lots.</p>	<p>Fulsome analysis is provided in the Haldimand County Zoning By-law HC 1-2020 section below. A condition of draft approval will require that all future lots and structures are Zoning compliant. The proposed Subdivision conforms to this criterion.</p>
<p>(g) The restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land.</p>	<p>Some existing easements exist within the subdivision lands and are show on the Draft Plan of Subdivision. The proposal has received approval from the LPRCA through the previous Site Plan Approval and an LPRCA development permit. The proposed Subdivision conforms to this criterion.</p>
<p>(h) Conservation of natural resources.</p>	<p>No additional construction is proposed as a result of the proposed Subdivision and all matters related to natural resources were considered at the OPA, ZBLA, and Site Plan stage. No significant natural heritage resources were identified on the lands. The proposed Subdivision conforms to this criterion.</p>
<p>(i) The adequacy of utilities and municipal services.</p>	<p>The proposed development is on full municipal services (water and wastewater) and all of the relevant utility providers have been circulated on the previous Site Plan Application. The design of the proposed municipal servicing has been reviewed through the previous <i>Planning Act</i> applications and deemed appropriate. The proposed Subdivision conforms to this criterion.</p>
<p>(j) The adequacy of school sites.</p>	<p>The subject development is considered to add minimal students to existing schools. The Draft Plan of Subdivision application was circulated to both school boards; no objections were received concerning the adequacy of school sites at the time of drafting of this report. Any comments received from the school boards will be captured as conditions of draft approval, where appropriate. The proposed Subdivision conforms to this criterion.</p>

Criteria	Comments
(k) The area of land, if any, within the proposed Subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes.	As the proposed development is accessed off of a private condominium roadway, no public highways will be conveyed/dedicated to the County. Given the size of the subject lands and scale of development, parkland dedication is not feasible. Cash-in-lieu of parkland will be required as a condition of draft plan approval. The proposed Subdivision conforms to this criterion.
(l) The extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy.	The proposed Draft Plan of Subdivision efficiently uses lands and resources. The proposed Subdivision conforms to this criterion.
(m) The interrelationship between the design of the proposed plan of Subdivision and site plan control matters relating to any development on the land, if the land is also within a site plan control area designated under subsection 41(2) of this Act.	The lands have previously been subject to an approved Site Plan Control application. Detailed design matters were dealt with through the Site Plan application and the Site Plan Agreement has been registered on title. The proposed Draft Plan of Subdivision serves only to establish the desired common-element condominium tenure. The proposed Subdivision conforms to this criterion.

The proposed Subdivision conforms to the *Act* criteria.

Provincial Policy Statement

Provincial Policy Statement (PPS), 2020

The Provincial Policy Statement (PPS), 2020 provides overall policy direction on matters of provincial interest related to land use planning and development in Ontario. The PPS sets the policy foundation for regulating development and use of land. The *Planning Act* requires all decisions affecting planning matters to be consistent with the PPS policies.

The following policy areas are significant to the subject applications:

- i. *Subject Proposal in Relation to Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns*

The PPS requires settlement areas (including urban areas such as Townsend) to be the focus of growth and development. The PPS states that land use patterns within settlement areas shall be based on densities and a mix of land uses which: efficiently use land and resources; are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion; minimize negative impacts to air quality and climate change, and promote energy efficiency; prepare for the impacts of a changing climate; support active transportation; are transit-supportive, where transit is planned, exists or may be developed; and, are freight-supportive. The PPS also states that land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.

The subject lands located in the Urban Area of Townsend and are designated as "Residential" and "Riverine Hazard" in the HCOP. The lands are also subject to Special Policy Area HCOP-14. All types of residential development (including group townhomes) are permitted within the 'Residential'

designation. Those types that minimize land consumption and efficiently use land are encouraged and promoted.

The proposed Subdivision does not propose any lands be conveyed/transferred to the County and will be accessed via a condominium road. The proposed lot layout is efficient and serves to implement the desired common-element tenure. The proposed subdivision achieves an efficient and resilient land use pattern.

ii. Subject Proposal in Relation to Housing

The PPS supports the provision of the appropriate range and mix of housing options at densities required to meet projected requirements of current and future residents. This includes supporting residential intensification that minimizes the cost of housing and facilitates compact form, while maintaining appropriate levels of health and safety. The proposed Draft Plan of Subdivision is consistent with the PPS with respect to housing.

iii. Subject Proposal in Relation to Infrastructure

The PPS supports municipal sewage and water services as the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. The proposed development is on full municipal services. The proposed servicing design has been reviewed and was approved through the previously submitted Site Plan Control application. A condition of Draft Plan approval will be that the proponent provide record of the application and receipt of servicing allocation from the County.

The PPS also contains policies that outline stormwater management criteria for development. The proposed stormwater management design was reviewed through the Site Plan Control application and was approved by the County. The LPRCA was also circulated the proponents SWM design and issued a Development Permit on that basis.

The PPS supports the establishment of transportation systems that are safe, energy efficient, facilitate the movement of people and goods, and are appropriate to address projected needs. The proposed Subdivision does not include a conveyance/dedication of a new municipal road allowance and connects directly to Nanticoke Creek Parkway in a logical manner. The appropriate intersection upgrades were reviewed and approved as part of the Site Plan application process.

The proposed Subdivision is consistent with the PPS with respect to infrastructure.

iv. Subject Proposal in Relation to Natural Heritage

The PPS contains policies related to conserving biodiversity, protecting the health of the Great Lakes, and protecting natural heritage, water, agricultural, mineral and cultural heritage and archaeological resources for their economic, environmental and social benefits. These policies seek to ensure that significant natural heritage features are preserved over the long-term. Based on the mapping produced through Phase 2 of the County's Municipal Comprehensive Review, no significant natural heritage resources are located on the lands. Site alteration and construction is now nearly complete on the subject lands, as approved through other associated *Planning Act* applications. The proposed Subdivision serves only to facilitate the desired tenure, and no further construction would be required to implement the proposed Subdivision; accordingly, no impacts to significant natural heritage resources are anticipated.

v. Subject Proposal in Relation to Archaeology

The PPS states that development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved. There is no further site alteration and/or site works associated with

the implementation of the proposed Subdivision. Accordingly, there are no anticipated impacts to archeological resources.

vi. Subject Proposal in Relation to Natural Hazards

The PPS states that development shall generally be directed to areas outside of hazardous lands adjacent to river and stream systems which are impacted by flooding hazards and/or erosion hazards. The rear of the subject lands back onto Nanticoke Creek, which has been identified as a Riverine Hazard in the HCOP. The Long Point Region Conservation Authority (LPRCA) regulates the hazard lands adjacent to Nanticoke Creek. The proposed development was designed during the Site Plan stage to ensure all development occurs above the LPRCA's Regulatory Flood Elevation, and outside of the hazard. The proponent has also received all of the appropriate LPRCA permits.

Overall, it is Planning staff's opinion that the subject application is consistent with the PPS.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020

A Place to Grow establishes a unique land use planning framework for the Greater Golden Horseshoe out to 2051 that supports the achievement of complete communities, a thriving economy, a clean and healthy environment, and social equity in the face of the magnitude and pace of forecasted growth and changes expected in the Region. A Place to Grow speaks to issues relating to economic prosperity, which include transportation, infrastructure planning, land use planning, urban form, housing, natural heritage, and resource protection. The *Place to Grow Act* requires all planning decisions to conform with A Place to Grow.

A Place to Grow directs the vast majority of growth to urban settlement areas on existing or planned municipal water and wastewater systems. The subject lands are located in the Urban Area of Townsend and the proposed Subdivision will create a logical lotting pattern and facilitate the desired common-element condominium tenure. It is Planning staff's opinion that the subject application conforms with A Place to Grow.

County Policy

Haldimand County Official Plan

The Haldimand County Official Plan (OP) creates the framework for guiding land use changes in the County over the long-term. The OP provides the avenue through which Provincial Policy is implemented into the local context, protects and manages the natural environment, directs and influences growth patterns, and facilitates the vision of the County as expressed through its residents. The *Planning Act* requires the subject applications to conform to the OP policies.

The subject lands are located in the Townsend Urban Area and are designated "Residential", "Riverine Hazard Lands" and "Floodway" in the HCOP. The subject lands are also subject to Special Policy Area HCOP-14 (By-law 597 HC-08), which makes reference to the Residential policies of Section 4.B.2. of the Official Plan, as discussed below.

The following policy areas are significant to the subject applications:

i. Residential Policies

The subject lands are designated as "Residential", "Riverine Hazard Lands" and "Floodway" on Schedule B.6. – Townsend Urban Area Land Use Plan of the Haldimand County Official Plan (HCOP). The "Residential" designation permits all forms of residential development, including group townhouses. As the proposal is within the built-up area, it is considered intensification under the HCOP. The HCOP establishes a target of 20% of all new dwelling units annually be provided through intensification or redevelopment within the existing built boundaries of the urban areas as indicated on Schedules "B.1" through "B.6" of the Plan. In support of this target, the HCOP encourages intensification throughout the built-up area of the urban areas, including the Townsend Urban Area.

ii. *Servicing*

Section 5.B) of the HCOP contains the policies related to servicing. Policy 5 B) 1) 1. of the HCOP states that all new development or redevelopment within the urban area shall generally proceed on full municipal water and wastewater services and have adequate drainage and stormwater management facilities. The subject application is proposed on full municipal water and wastewater services, the engineering design of which has been reviewed and approved through the approved Site Plan application.

iii. *Hazards*

A portion of the lands are also identified as “Riverine Hazards Lands” and “Floodway”, and are regulated by the Long Point Region Conservation Authority (LPRCA). The proposed development was designed during the Site Plan stage to ensure all development occurs above the LPRCA’s Regulatory Flood Elevation, and outside of the identified hazard. The proponent has also received all of the appropriate LPRCA permits. No further site alteration or development is proposed through the subject Subdivision.

iv. *Lot Creation Policies*

The OP states that the Subdivision Plan approval process and accompanying agreements pursuant to the *Planning Act*, will be used by Council to ensure that the policies and land uses of the OP and applicable Secondary Plans are complied with and that a high standard of design is maintained in new development areas. Council will only approve Plans of Subdivision which conform to the *Planning Act* and the following criteria:

- a) The Plan of Subdivision conforms with the policies of the OP;
- b) Adequate servicing such as water supply, sewage disposal facilities, stormwater drainage, solid waste collection and disposal, roads, and emergency services can be provided;
- c) The County is able to provide necessary services without imposing undue increases in taxation on all residents; and
- d) The Plan of Subdivision is not deemed to be premature, and is considered necessary in the public interest.

As demonstrated above, the proposed Subdivision conforms to the HCOP; has adequate servicing provided, as reviewed through the Site Plan; can provide services without imposing undue increases in taxation to residents (no roads conveyed to County); and, is not deemed to be premature.

It is the opinion of Planning staff that the subject application conforms to the HCOP.

Haldimand County Zoning By-law HC 1-2020

The purpose of the Haldimand County Zoning By-law HC 1-2020 is to control the use of land within the County by stating exactly how land may be used, where buildings and other structures can be located, the types of buildings that are permitted and how they may be used, and the lot sizes and dimensions, parking requirements, building heights and setback from the street. The Zoning By-law implements the OP and is legally enforceable.

The subject lands are zoned “Residential Type 4 – (R4)” Zone. The lands are also subject to Special Provision R.4.2 (By-law 594 HC-08), which was brought forward from the former Town of Nanticoke’s By-law and serves to permit group townhomes as a permitted use. It also serves to establish certain performance standards such as a maximum number of 5 units per townhouse block, the establishment of the front lot line, guidance on how specific yards will be applied through zoning, and modifications to the required minimum exterior side yard.

As is typical, a condition of Draft Approval will be included that ensures the Draft Plan is zoning compliant prior to registration and that any lot lines created as a result of the registration do not trigger a zoning conflict, or relief will be sought to address any deficiencies.

Conclusion and Next Steps

Overall, it is Planning staff's opinion that the proposed Subdivision has sufficient regard for the *Planning Act*, is consistent with the Provincial Policy Statement (2020), and conforms with, A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020), and the Haldimand County Official Plan. The proposed use is permitted by Zoning By-law HC 1-2020 and conformity with respect to setbacks, parking, etc. will need to be demonstrated as a condition of Draft Approval prior to registration.

If no further comments are raised by Council or the public, draft plan conditions will be produced and provided to the General Manager of Community and Development Services for approval. Any significant technical matters raised can be also be included as conditions of draft approval. If approved, notice will be provided to Council, all required parties under the *Planning Act*, and those requesting a copy of the notice through the public meeting process.

Ultimately, this process recognizes that subdivision approval is largely a technical matter and allows the subdivision to proceed through the approvals process in a more expeditious manner, while still allowing for public input prior to decision making and further eliminating the presentation of long and detailed technical reports that address conditions of Draft Plan Approval. Registration of the Subdivision can only take place when all Draft Plan conditions are fully met. As previously discussed herein, the proposed Subdivision only serves to facilitate the proposed tenure, and no further site alteration or development is proposed beyond what has already been approved through previous *Planning Act* approvals.

FINANCIAL/LEGAL IMPLICATIONS:

All financial requirements related to the proposed Subdivision would be addressed through a Subdivision Agreement, if required, including cash-in-lieu of parkland dedication. Additionally, development charges would have been required to be paid when building permits were issued.

STAKEHOLDER IMPACTS:

Staff/Agency Comments:

As the subject townhouse development is already built and the subject Draft Plan of Subdivision only serves to facilitate the proposed common-element condominium tenure, it is not anticipated to have any significant impacts on community stakeholders. The establishment of the principle of land use and the technical review of the proposed development occurred through the previously approved Official Plan and Zoning By-law Amendments and the Site Plan Control Application. Nevertheless, County staff have circulated the following departments and external agency stakeholders for comment:

County Departments

Building and Municipal Enforcement Services	Engineering Services
Emergency Services/Fire Services	Development and Design Technologist

External Stakeholders

Six Nations of the Grand River	Mississaugas of the Credit First Nation
Long Point Region Conservation Authority	Canada Post
Bell	Enbridge

Trans-northern Pipeline	Hydro One
Rogers	Grand Erie District School Board
Brant Hald-Norf Catholic District School Board	Conseil Scolaire Catholique Mon Avenir
Conseil Scolaire Viamonde	

At the time of writing this report, staff have not received any significant comments from any other above internal or external stakeholders. Given that the proposed development only serves to establish lot lines, that the proposed development has been reviewed in detail through several other *Planning Act* applications, and that the proposed development is largely finished construction, it is not anticipated that any significant comments be received. Should any comments be received that need to be addressed, staff can include them as conditions of Draft Approval of the Plan of Subdivision and the applicant would be required to address any conditions prior to registration.

REPORT IMPACTS:

Agreement: No

By-law: No

Budget Amendment: No

Policy: No

ATTACHMENTS:

1. Location Map.
2. Draft Plan of Subdivision.
3. Approved Site Plan (SP-HA-2-2007).
4. By-laws 594-HC08, 595-HC08SP, 596-HC08, 597-HC08.